



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

## STATEMENT

January 16, 2009

**RE: Appeal of National Pollutant Discharge Elimination System (NPDES) permitting for Structures S-2, S-3 and S-4**

"Moving water is an essential public service, providing for flood control, water supply and environmental restoration. The United States Environmental Protection Agency (EPA), which administers the NPDES program, has for more than 35 years recognized that Congress rightly entrusted the states to manage their waters for the benefit and protection of their citizens – without burdening taxpayers with additional layers of federal oversight.

"Florida's robust regulatory system already provides for permitting of water management activities and is designed to ensure that they comply with State law and adhere to the standards of the Clean Water Act. EPA's recent administrative rule clarifies that a state's existing regulatory system is the most sensible tool for local water management activities.

"The District takes seriously its responsibility to protect Florida's water resources. We also remain committed to safeguarding the environment and will continue to work with our state and federal partners to sustain, protect and restore South Florida's waterways."

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### **Background**

The South Florida Water Management District today presented its position to the 11<sup>th</sup> Circuit Court of Appeals regarding a requirement to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit on its S-2, S-3 and S-4 structures. Joined by the United States Department of Justice, the State of Florida and other states, including California and Colorado, the South Florida Water Management District reiterated its position that the Clean Water Act never intended for NPDES permitting to apply to water management activities.

For more information on this issue, visit this Web page:  
[NPDES background material \(January 2009\)](#)